

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DAVID W. HARRIS,

Plaintiff,

v.

Case No. 12-CV-481

BRETT HUSTON, KEITH DODD,
MONTELL CARTER, ANDREW BELL,
ERIC DONALDSON, CITY OF MILWAUKEE,
and CITY OF GREENFIELD,

Defendants.

ORDER

Plaintiff has filed a motion to alter or amend judgment pursuant to Federal Rule of Civil Procedure 59(e). He contends that this court's order dismissing his complaint for failure to state a claim based on collateral estoppel/issue preclusion should be vacated because this case does not contain the same parties as his prior criminal case that decided his Fourth Amendment claim and, therefore, claim preclusion could not have barred his § 1983 action. However, while the court's order mentioned both collateral estoppel/issue preclusion and res judicata/claim preclusion, and while the same parties or their privies are required under the latter, this case was dismissed under collateral estoppel/issue preclusion, where there is no such requirement. See Wash. Group Int'l, Inc. V. Bell, Boyd, & Lloyd LLC, 383 F.3d 633, 636 (7th Cir. 2004); see also, Allen v. McCurry, 449 U.S. 90, 104-05 (1980). Hence, plaintiff's motion will be denied.

IT IS THEREFORE ORDERED that plaintiff's motion to alter judgment and amend/correct judgment (Docket 22) is **DENIED**.

Dated at Milwaukee, Wisconsin, this 12th day of July, 2013.

s/ Lynn Adelman

LYNN ADELMAN
District Judge